

# City Council Agenda

Council President  
Lee Brand

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Clinton J. Olivier - Acting President

Sal Quintero  
Larry Westerlund  
Blong Xiong

City Manager  
Mark Scott

City Clerk  
Rebecca E. Klisch, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## March 17, 2011

**8:30 A.M. ROLL CALL**

Invocation

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

**RESOLUTION** – Supporting Sister City Kochi, Japan and people of Japan – **Resolution No. 2011-44 adopted**

Proclamation of “**NATIONAL SAFE PLACE WEEK**” – Councilmember Baines – **Read and presented**

Proclamation of “**NATIONAL AG WEEK**” – Council President Brand – **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 8 and 10, 2011

**Action Taken:** Approved – March 8, 2011 with correction

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. Approve agreement with CMT (Children's Musical Theaterworks) for the use of the Veterans Memorial Auditorium at a reduced rate in exchange for maintenance service – PARCS Dept.  
**Action Taken:** Adopted
- B. Ratify and approve Amendment No. II to the 2006 California Department of Housing and Community Development (Proposition 1C) CalHome Program Agreement to include first-time homebuyer mortgage assistance activities, extend the term of the agreement, and appoint and authorize the Downtown and Community Revitalization Department Director to sign program documents – Downtown and Community Revitalization Dept.  
**Action Taken:** Approved
- C. **RESOLUTION** - Authorizing the submission of an application to the California Department of Transportation for high speed rail station area planning grant funds from the Transportation Planning Grants Program in the amount of \$300,000.00, and authorizing execution of documents **(Property located in District 3)** – Public Works Dept.  
**Action Taken:** Resolution No. 2011-45 adopted
- D. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing Facilities) and 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines for sewer pipeline and junction structure rehabilitation in the intersection of Fruit and Jensen Avenues **(Property located in District 3)** - Dept. of Public Utilities  
**Action Taken:** Adopted
  - 1. Award a contract in the amount of \$197,900.00 to Insituform Technologies, Inc., of Chesterfield, Missouri, for sewer junction structure rehabilitation, intersection of Fruit and Jensen Avenues  
**Action Taken:** Awarded
  - 2. \* **RESOLUTION** - 75<sup>th</sup> amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$157,900 for sewer junction structure rehabilitation, intersection of Fruit and Jensen Avenues **(Requires 5 affirmative votes)**  
**Action Taken:** Resolution No. 2011-46 adopted
- E. Approve the appointments of Dan Payne and Connor Murphy to the Housing and Community Development Commission – Mayor's Office  
**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- F. Approve acceptance of grant award for \$84,800 in additional grant funding from the fiscal year 2007 Public Safety Interoperability Communication Grant (PSIC) Program and authorize the Police Chief and Fire Chief to complete all required documents - Mayor's Office

**Action Taken:** Approved

1. \* **RESOLUTION** - 79th amendment to the Annual Appropriation Resolution No. (AAR), No. 2010-138 appropriating \$84,800 from fiscal year 2007 Public Safety Interoperability Communication Grant Program to the Police Department **(Requires 5 affirmative votes)**

**Action Taken:** Resolution No. 2011-48 adopted

2. Authorizing the Fire Chief to enter into a contract with Digital Sandbox, McLean VA to provide professional consultant services without advertised competitive bidding

**Action Taken:** Authorized

- G. \* **BILL NO. B-11 – (Intro. 3/10/2011) (For adoption)** - Approving the procedures for the annual 2011 weed abatement program – Development and Resource Management Dept.

**Action Taken:** Ordinance No. 2011-9 adopted

**CONTESTED CONSENT CALENDAR**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. #1 **GENERAL ADMINISTRATION**

- A. Adopt Findings of a Mitigated Negative Declaration (State Clearing House No. 2011021037) for acquisition of four (4) parcels comprising 35.137 acres near the northeast corner of Brawley and Nielsen Avenues **(Property located in District 3)** – Dept. of Public Utilities

**Action Taken:** Removed from the agenda

1. \* **RESOLUTION** - 65th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$1,804,900 for acquisition of four (4) parcels comprising 35.137 acres near the northeast corner of Brawley and Nielsen Avenues for development of a groundwater recharge facility **(Requires 5 affirmative votes)**
2. Authorize the Director of Public Works or his designee to sign all necessary documents on behalf of the City, subject to City Attorney approval to form

- B. **RESOLUTION** - Authorizing an application to the Department of the Interior, Bureau of Reclamation for an fiscal year 2011 WaterSmart: Water and Energy Efficiency Grant in the amount of \$290,198 for the Nielsen groundwater recharge basin project (Phase I) and the execution of all application documents on behalf of the City – Dept. of Public Utilities

**Action Taken:** Resolution No. 2011-47 adopted

- C. Adopt Finding of Categorical Exemption, pursuant to Article 19, Section 15301/Class 1 (Existing Facility) and Section 15302/Class 2 (Replacement or Reconstruction), of the CEQA Guidelines, for the Fresno Area Express (FAX) bus stop sign upgrade project - Public Works and Transportation Departments

**Action Taken:** Adopted

1. Award a construction contract in the amount of \$423,905.00 to Chrisp Company of Fremont, CA, for construction of the FAX bus stop sign upgrade project (Citywide)

**Action Taken:** Awarded

9:00 A.M. #2 **CITY COUNCIL**

- A. \* **BILL NO. B-8 - (Intro. 3/10/2011) (For adoption)** - Amending Section 4-107(g) of the Fresno Municipal Code relating to contracts not requiring competitive bidding - (Fresno City Finance & Audit Committee: Members Borgeas, Brand, Xiong)  
**Action Taken:** Ordinance No. 2011-10 adopted
- B. Approve a representative to the San Joaquin Valley Air Board and an alternate – Council President Brand  
**Action Taken:** Acting President Olivier appointed/alternate to be appointed later by Acting President Olivier

9:30 A.M. **WORKSHOP** regarding water meter update – Dept. of Public Utilities - Held

10:00 A.M. **HEARING** to consider Plan Amendment Application No. A-10-005 and Final Environmental Impact Report (EIR) No. 10136 (SCH No. 2005061150) filed by the City of Fresno Airports Department, to amend the Fresno Yosemite International Environs Plan, pertaining to approximately 7,150 acres of urbanized land on and around the Fresno Yosemite International Airport defined as the Airport Influence Area. **(Property located in Districts 4, 5 and 7) – Development and Resource Management Department (Request to continue to March 31, 2011 at 10:45 a.m.)**  
**Action Taken:** Continued as noted

10:15 A.M. **CONTINUED HEARING** regarding the reversion of acreage of Final Map of Tract 4983 – Public Works Dept. **(Continue to March 31, 2011 at 11:00 a.m.)**  
**Action Taken:** Continued as noted

**CLOSED SESSION**

- A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957  
**Title:** City Attorney  
**Action Taken:** Held

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING**

**SCHEDULED COMMUNICATION –**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

Mar.	24 -		<b>NO MEETING – COUNCIL RECESS</b>
Mar.	31 -	9:30 A.M.	Presentation to Council of the Final Utility Advisory Committee Report and Recommendations. - Public Utilities
Mar.	31 -	10:00 A.M.	<b>HEARING</b> ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley ( <b><i>Property located in District 3</i></b> )
Mar.	31 -	10:15 A.M.	<b>HEARING</b> re: CFD No. 11, Annexation No. 37, Tract No. 5498 ( <b><i>Property located in District 5</i></b> )
Mar.	31 -	10:30 A.M.	<b>CONTINUED HEARING</b> to consider Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services
Mar.	31 -	10:45 A.M.	<b>CONTINUED HEARING</b> to consider of Plan Amendment Application No. A-10-005 filed by the City of Fresno Airports Department
Mar.	31 -	11:00 A.M.	<b>CONTINUED HEARING</b> regarding the reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Apr.	7 -		<b>MEETING</b>
Apr.	13 - (Weds)	2:00 P.M.	Employee Service Awards Presentation ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
Apr.	14 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates Ceremony ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
Apr.	21 -		<b>NO MEETING – EASTER WEEK</b>
Apr.	28 -	10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-10-007, filed by Dirk Poeschel